

WINDELS MARX LANE & MITTENDORF, LLP  
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Attorney Appearing: Alan Nisselson ([anisselson@windelsmarx.com](mailto:anisselson@windelsmarx.com))  
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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re

Securities Investor Protection  
Corporation,

Plaintiff.

Adv. Pro. No. 08-01789 (BRL)

v.

SIPA LIQUIDATION

Bernard L. Madoff Investment  
Securities, LLC,

Defendant.

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**NOTICE OF APPEARANCE AND REQUEST FOR SERVICE OF PAPERS**

**PLEASE TAKE NOTICE** that Alan Nisselson, *Interim Chapter 7 Trustee of Bernard L. Madoff*, a party in interest, hereby appears by his counsel, Windels Marx Lane & Mittendorf LLP, and demands, pursuant to Section 1109(c) of the Bankruptcy Code and Rules 2002, 9007 and 9010 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), that all notices given or required to be given in the case and all papers served or required to be served in the case, be given to and served upon the undersigned attorneys on his behalf, at the address set forth below, attention:

Alan Nisselson, Esq.  
Howard L. Simon, Esq.  
Regina Griffin, Esq.  
Windels Marx Lane & Mittendorf, LLP  
156 West 56<sup>th</sup> Street  
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Tel: (212) 237-1000  
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The foregoing request includes not only the notices and papers, whether formal or informal, *ex parte* or on notice, written or oral, referred to in the Bankruptcy Rules and Code sections specified above, but also includes, without limitation, orders and notices of any application, motion, petition, pleading, requests, complaint or demand, whether formal or informal, whether written or oral and whether transmitted or conveyed by mail, delivery, telephone, telegraph, telecopier, electronically, or otherwise, which affect or seek to affect in any way any rights or interests of the debtor.

Neither this Notice of Appearance nor any later appearing, pleading, claim or suit shall waive the above-named entity's right to have final orders in noncore matters entered only after *de novo* review by a District Judge; or the right to trial by jury in any proceeding so triable in this case or any case, controversy, or proceeding related to this case; or the right to have the District Court withdraw the reference in any matter subject to mandatory or discretionary withdrawal; or to adjudicate rights in other applicable forums, or any other rights, claims, actions, defenses, setoffs, or recoupments to which these entities are or may be entitled under agreements, in law or in equity, all of which rights are expressly reserved.

Dated: New York, New York  
April 28, 2009

Respectfully submitted,

WINDELS MARX LANE & MITTENDORF, LLP  
*Attorneys for Alan Nisselson,*  
*Interim Chapter 7 Trustee of Bernard L. Madoff*

By: /s/ Howard L. Simon  
Howard L. Simon ([hsimon@windelsmarx.com](mailto:hsimon@windelsmarx.com))  
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## **AFFIDAVIT OF SERVICE**

[illegible]

**TRACY E. HESTON**, being duly sworn, deposes and says that deponent is not a party to the above-entitled proceeding, is over 18 years of age and is employed at Windels Marx Lane & Mittendorf, LLP, 156 West 56<sup>th</sup> Street, New York, NY 10019, and that on April 16, 2009, I caused a true and correct copy of the *Notice of Appearance and Request for Service of Papers* to be served upon the following parties:

Josephine Wang, Esq. Kevin H. Bell, Esq. Securities Investor Protection Corp. 805 15th Street, N.W., Suite 800 Washington, DC 20005-2207	Irving H. Picard, Esq. Baker & Hostetler, LLP 45 Rockefeller Plaza New York, NY 10111	Office of the United States Trustee Southern District of New York 33 Whitehall Street, 21 <sup>st</sup> Floor New York, NY 10004
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by United States Mail, by delivering a true copy of same enclosed in a postpaid properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

/s/ Tracy E. Heston  
Tracy E. Heston

Sworn to before me this  
28<sup>th</sup> day of April 2009

/s/ Maritza Segarra  
Maritza Segarra  
Notary Public, State of New York  
No. 03-4652865  
Qualified in Westchester County  
Commission Expires December 31, 2009